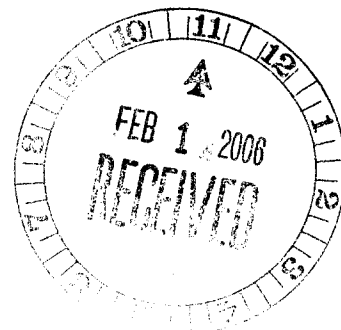
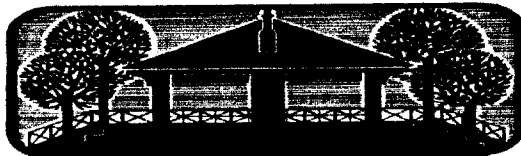


HAMILTON PARK NEIGHBORHOOD ASSOCIATION

2157-7



January 27, 2006

The Honorable Vernon Williams, Secretary
Surface Transportation Board
1925 K Street, NW
Washington, DC 20006

Re: Jersey City – Petition in Support of a Declaratory Order, STB Finance Docket 34818

Dear Secretary Williams:

The Hamilton Park Neighborhood Association is writing to you in support of the Petition for a Declaratory Order filed on behalf of the City of Jersey City, Rails to Trails Conservancy, the Embankment Preservation Coalition, and N.J. State Assemblyman Louis Manzo regarding the Harsimus Branch rail line.

We deplore the sale by Conrail of this rail line to a developer without having gone through abandonment and the historical and environmental reviews that that process insures. This was plainly the main Pennsylvania Railroad freight long-haul line to the Hudson River. Many older residents here clearly recall its heavy use by cars loaded with cattle and coal, and its diminishing use into at least the 1980s. Conrail and the developer appear to be ignoring this history and status in attempting a *de facto* abandonment without submitting to your jurisdiction. This developer has moved aggressively to subdivide and demolish the historic Harsimus Branch Embankment structure, which is on the State Register of Historic Places and is eligible for the National Register. On January 17th and 18th, he removed a freestanding stanchion on a non-landmarked parcel. This structure is historic in its own right and might well have also been listed had it been nominated to the State and National Registers.

The Embankment forms the southern border of our National Historic District and is integral to the historic fabric of our neighborhood. Many buildings that are themselves more than a century old line Sixth Street, the location of the rail line, and will be directly affected should this massive structure be demolished.

We are in danger of losing a transportation corridor that has been here for 150 years and that has the potential of providing continuing transportation use as well as open space in our densely populated Downtown area of Jersey City.

We ask you to initiate a proceeding, or order Conrail to comply with 49 U.S.C. 10903 by seeking an abandonment authorization and are attaching a letter to that effect sent by U.S. Senators and Representatives from New Jersey to the STB Chair. We respectfully request you to include this correspondence in the record of proceeding. I have caused to be served the representatives of affected parties by U.S. Mail, as indicated below.

Sincerely,

Geoffrey M. Elkind
Corresponding Secretary
159A Coles Street
Jersey City, NJ 07302
1.551.998.6200

Attachment

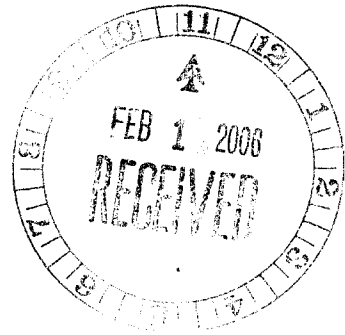
cc:
Jonathan Broder, VP and GC
Conrail
2001 Market St., 8th Fl.
Philadelphia, PA 19103

Carmine R. Alampi
Alampi & Demarrais
One University Plaza, Suite 404
Hackensack, NJ 07601

Charles H. Montange
426 NW 162d St.
Seattle, WA 98177

Congress of the United States
Washington, DC 20515

January 30, 2006



W. Douglas Buttrey
Chairman
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001

Re: Docket Number FD_34818_0

Dear Chairman Buttrey:

We are writing in strong support of the petition filed by the City of Jersey City et al. ("City") to request that the Surface Transportation Board (STB) initiate a declaratory proceeding regarding the abandonment of the historic 6th Street Embankment (Embankment) in Jersey City, New Jersey, and also ask that the STB issue a housekeeping stay to prevent demolition of the Embankment before a ruling can be made.

The city is leading a broad coalition that seeks to preserve the Embankment, listed on the New Jersey Register of Historic Places, and turn it into a multi-use greenway, which would be a precious addition to an area that desperately needs additional open space for recreation and pedestrian transportation. Conrail's sale of the Embankment to a private developer in July, 2005, is legally questionable, and threatens the ability of the City to preserve the land for public use.

The rail line that previously occupied the 6th Street Embankment (also known as the Harsimus Embankment) has a well-documented history as a 7-track route between the docks on the Hudson River at Harsimus Yards and the rest of the Pennsylvania Railroad system. There is little question that this was once a "line of railroad", not merely a spur, and therefore fell under the jurisdiction of the predecessor to the STB, the Interstate Commerce Commission (ICC).

As a line of railroad subject to federal jurisdiction, the Embankment must be formally abandoned according to the procedures outlined in 49 USC 10903 before Conrail can be allowed to sell the property. According to the filing by Jersey City before the STB, there is no evidence that Conrail ever followed the proper abandonment procedures for the Embankment. Jersey City argues that Conrail deemed the line to be a rail spur by themselves yet maintained that the embankment was still under STB jurisdiction, and therefore unavailable for condemnation through eminent domain.

Jersey City has expressed its interest in acquiring the Embankment through Ordinance 04-096, and has already arranged for grant funding towards its purchase. Furthermore, our offices have worked to secure \$1.6 million in the recent transportation bill (SAFETEA-LU, P.L. 109-59) to help the city acquire the property. We were disappointed to see Conrail sell the property to a private developer, and are disturbed by the details of the sale as outlined in the City's filing. If

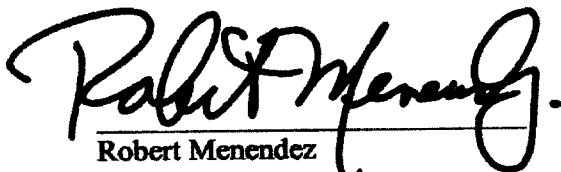
true, the City's preferential rights to acquire the property under New Jersey state law (48:12-125.1) and federal law (49 USC 10905) were unfairly abrogated.

In addition, a verified statement filed on January 23 by John C. Curley, special counsel for the City of Jersey City, indicates that the developer that purchased the land is in the process of demolishing pieces of the property that are not protected by a historic landmark designation. In light of this, we ask that you immediately issue a housekeeping stay to prevent further demolition of any portions of the property before STB can rule on the matter.

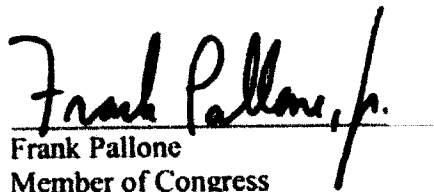
The 6th Street Embankment is a historic treasure for the residents of Jersey City and the State of New Jersey. It can survive as a sanctuary of green space in the heart of a dense urban neighborhood, available for the recreation and enjoyment of thousands of New Jerseyans and their families, but only if the Surface Transportation Board acts. We respectfully urge you to initiate a declaratory proceeding in this matter and issue a housekeeping stay. We also hope that you will grant the relief requested by the petitioners and require Conrail to initiate abandonment procedures under 49 USC 10903.


Thank you for your attention to this matter.

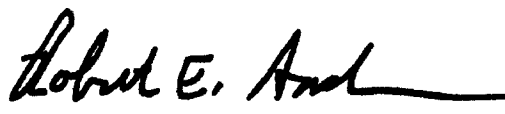
Sincerely,


Robert Menendez
United States Senator


Frank R. Lautenberg
United States Senator


Frank Pallone
Member of Congress


Steven R. Rothman
Member of Congress


Robert E. Andrews
Member of Congress


Donald M. Payne
Member of Congress


Bill Pascrell, Jr.
Member of Congress